

THE STATE OF NEW HAMPSHIRE

83-125-I

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October 27, 1983

Mr. James K. Fawcett  
Bingo Supervisor  
New Hampshire Sweepstakes Commission  
Fort Eddy Road  
Concord, New Hampshire 03301

Dear Mr. Fawcett:

By memorandum dated September 23, 1983, you have requested our opinion on the following questions:

1. Whether charitable organizations may conduct carry-over or progressive bingo games, in which unawarded prizes are carried forward to a new game, although the amount is charged to the original game?
2. Whether two separately licensed organizations may be allowed to run games on the same day at the same location due to hardship?

In our previous discussions, you have informed me that the Sweepstakes Commission has determined that both practices are contrary to RSA 287-E. On those occasions, I have stated that this office concurred with your decision to disallow both practices. During our conversations, we have also discussed the applicable provisions of the bingo law. You have now stated that the only reason you have asked for a written opinion is because the proposed licensee has insisted that you obtain our advice in writing. (Indeed, I received a letter on October 1, 1983 which begins "Mr. James K. Fawcett of the N.H. Sweepstakes Commission is requesting on behalf of St. Patrick Church and St. Patrick School your written opinion ... .")



As you may know, the Office of the Attorney General is authorized to provide opinions to "any state board, commission, agent or officer as to questions of law relating to the performance of their official duties." RSA 7:8. Unless specifically authorized by law (see, e.g., RSA 358-A), however, this office cannot give advice to private individuals. Father Smith's request is clearly an attempt to circumvent this prohibition. Moreover, we have already given you the advice which you requested. Accordingly, we decline to respond to Father Smith's request.

We are, of course, available to respond to any questions which you may have concerning the application of RSA 287-E. Please feel free to contact me if you have any additional questions.

Very truly yours,

*Loretta S. Platt*

Loretta S. Platt  
Assistant Attorney General  
Division of Legal Counsel

LSP:ab  
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